

Remarks

Claims 45-64 and 81 are pending in this application. There are no amendments to the claims made herein. Applicants respectfully request reconsideration of the objections and rejections set forth in the Office action mailed June 15, 2007 for the reasons set forth below.

Response to Objections

The abstract has been replaced with a new abstract corresponding more directly to the presently claimed invention.

Response to Rejections

Claims 45, 47-49, 53-59, 62-64, and 81 are rejected as being either anticipated under §102(b) by Hoffman (WO 01/29538) or obvious under §103(a) over Hoffman in view of the knowledge of a person having ordinary skill in the art. Applicants respectfully disagree.

Claim 45 is directed to:

"A multi-channel system for classifying particles according to one or more characteristics of the particles, said system comprising:

a plurality of flow cytometry units each of which is operable to classify particles in a mixture of particles by interrogating a stream of fluid containing said particles using a beam of electromagnetic radiation, wherein each flow cytometry unit comprises a sensor operable to generate a time-varying output signal indicative of at least one characteristic of the

particles in the stream of fluid as the stream of fluid is interrogated by the beam of electromagnetic radiation;

said units sharing an integrated platform comprising a common processor for receiving and processing information from the units, wherein the common processor is programmed to receive the time-varying output signals from the flow cytometry units substantially continuously and to process the output signals." (Emphasis added.)

Claim 45 is patentable because Hoffman fails to disclose or suggest a multi-channel system for classifying particles including all the features set forth in claim 45.

The flow cytometry system disclosed in Hoffman is a single-channel flow cytometry system instead of a multi-channel system because all of its operations are carried out on a single fluid stream. In contrast, the multi-channel system of the present invention conducts operations on multiple different fluid streams (e.g., in series or in parallel), as is explained in detail in paragraphs 581-633 of the specification (referring to the paragraph numbering of publication No. 20050112541) and illustrated in Figs. 40-41 and 106-120. As noted in the Office action Hoffman does disclose that its system may include multiple cell evaluation units 120. Each of the cell evaluation units is focused on the same stream. See page 19, last paragraph. The skilled person understands that the purpose of providing multiple cell evaluation units to interrogate the same fluid stream is to provide multiple options for what type of light (e.g., wavelength, continuous wave/pulsed, etc.) is used to interrogate particles in the fluid and/or what type of light is collected by the cell evaluation unit to characterize the cells in the sample stream. The skilled person also knows that the term for this is multiparameter flow cytometry. For example,

applicants refer the Examiner to the attached brochure for a "multiparameter" flow cytometry system (See page 3 in particular) that is commercially available from BD Biosciences, which is the successor in interest to the assignee of the Hoffman reference. Additional copies of the brochure are currently available on the internet at:

<http://www.bdbiosciences.com/pdfs/brochures/23-3090-03.pdf>.

Accordingly, claim 45 is submitted as patentable over Hoffman because Hoffman fails to disclose any multi-channel system for classifying particles. Further, since Hoffman fails to disclose a multi-channel system, it also fails to disclose any of the features set forth in claim 1 in a multi-channel system.

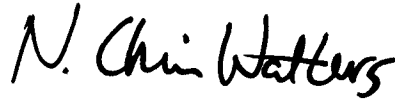
All the other claims depend directly or indirectly from claim 45 and are patentable for at least the same reasons.

Conclusion

Applicants respectfully request reconsideration of the rejection in view of the foregoing.

The Commissioner is hereby authorized to charge \$1,050 for a three month extension of time to file this response and any other fees required by this submission to Deposit account No. 19-1345 in the name of Senniger Powers.

Respectfully submitted,

A handwritten signature in black ink that reads "N. Chris Walters". The signature is written in a cursive, slightly stylized font.

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Via EFS